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March 19, 2008

BY ELECTRONIC FILING

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
844 King Street  
Wilmington, DE 19801

Re: Sepracor Inc. v. Dey L.P. and Dey, Inc., C.A. No. 06-113 (JJF)  
Sepracor Inc. v. Barr Laboratories, Inc., C.A. No. 07-438 (JJF)

Dear Judge Farnan:

Pursuant to the Court's direction at the March 7, 2008 motion hearing, we submit herewith on behalf of the parties a proposed Consolidation Order for the Court's consideration.

Respectfully,



Karen Jacobs Loudon (#2881)

KJL/bac

cc: Peter T. Dalleo, Clerk (By Hand)  
Richard D. Herrmann, Esquire (via e-mail)  
John G. Day, Esquire (via e-mail)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SEPRACOR INC.,  Plaintiff,  v.  DEY, L.P., and DEY, INC.  Defendants.	C.A. No. 06-113 (JJF) C.A. No. 06-604 (JJF) CONSOLIDATED
SEPRACOR INC.,  Plaintiff,  v.  BARR LABORATORIES, INC.,  Defendant.	C.A. No. 07-438 (JJF)

**CONSOLIDATION ORDER**

The Court having considered Sepracor's motion to consolidate the Dey and Barr cases (the "Motion To Consolidate," D.I. No. 252 in C.A. No. 06-113 and D.I. No. 43 in C.A. No. 07-438), for the reasons stated on the record at the March 7, 2008 hearing, IT IS HEREBY ORDERED that:

1. The Motion To Consolidate is granted. C.A. Nos. 06-113, 06-604 and 07-438 (JJF) are consolidated for all purposes.
2. Papers in the consolidated action hereafter shall be filed and docketed in C.A. No. 06-113 (JJF) only. All papers filed in C.A. No. 06-113 (JJF) also shall be deemed filed in C.A. Nos. 06-604 and 07-438 (JJF).
3. The Scheduling Orders entered in the Barr and Dey cases (D.I. 51 in C.A. No. 07-438 and D.I. No. 239 in C.A. No. 06-113) are hereby vacated.

4. Opening claim construction briefs shall be filed on April 10, 2008. Answering claim construction briefs shall be filed on May 1, 2008. The parties shall contact Chambers after briefing is complete to schedule a Markman hearing.

5. Sepracor shall promptly advise the Court of any developments in the *Sepracor v. Breath* case pending in the United States District Court for the District of Massachusetts, C.A. No. 06-10043-DPW.

6. Expert discovery shall be completed following the Court's Markman decision.

7. The parties shall be prepared to go to trial within 90 days of the Court's Markman decision.

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Farnan, J.

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